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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,028	01/12/2001	Stuart Berkowitz	668437600004	1857
7590 08/29/2006			EXAMINER	
John V. Biernacki Jones, Day, Reavis & Pogue North Point 901 Lakeside Avenue Cleveland, OH 44114			DUONG, THOMAS	
			ART UNIT	PAPER NUMBER
			2145	
DATE MAILED: 08/29/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/760,028	<b>Applicant(s)</b> BERKOWITZ ET AL.	
	<b>Examiner</b> Thomas Duong	<b>Art Unit</b> 2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.
2. Amendment received June 19, 2006 has been entered into record. *Claims 1-41* remain pending.

### ***Response to Amendment***

3. This office action is in response to the applicants Amendment filed on June 19, 2006. *Claims 1-41* are presented for further consideration and examination.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-5, 12-16, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), and further in view of Vander Molen (US004520576).

6. With regard to claim 1, Dunn discloses,

- *a first connection port to allow a speech-based conversation to occur over the home-based broadband connection to the Internet network; (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)*

Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones"* (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

- *a second connection port to allow a speech-based conversation to occur over a public switched telephone network (PSTN); and (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)*

Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the*

*PSTN, the broadband network (or a modem connecting to that network), and one or more telephones” (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).*

However, Dunn does not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.*

Has teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Has, col.2, line 10 – col.4, line 67)

*Has discloses, “a first device for inputting at least two speech signals designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance... and a central computer connected to the household appliance, at least one of the first, second, and third devices being assigned to the central computer, the first, second, and third devices being configured such that the speech signals, being input in a direct succession for selecting the operating functions and/or components of the household appliance” (Has, col.2, line 67 – col.3, line 16). Hence, Has teaches*

of a speech recognizing component in the central computer used to control the household appliance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Has with the teachings of Dunn *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.*

Vander Molen teaches,

- *a plurality of speech engines that recognize speech and synthesize speech to allow the speech-based conversations to occur over the first connection port and the second connection port.* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control*

*microcomputer 53 and the appliance control system 56*" (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn and Has to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

7. With regard to claim 27, Dunn discloses,

- *communicating with a first communication device located on the Internet network so that a speech-based conversation can occur over the home-based connection to the Internet network;* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)

Dunn discloses, *"our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the*

*PSTN, the broadband network (or a modem connecting to that network), and one or more telephones” (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).*

- *communicating with a second communication device located on a public switched telephone network (PSTN) so that the speech-based conversation can occur over the public switched telephone network; and (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2)*

Dunn discloses, *“our solution is provide a special server/gateway for broadband networks, such as cable television networks, and unique adapters for residences served by these networks. In its preferred form, our adapter is a card internally installed in a computer. In addition to the computer, this adapter connects to the PSTN, the broadband network (or a modem connecting to that network), and one or more telephones” (Dunn, col.2, lines 16-22). Hence, Dunn teaches of a computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).*

However, Dunn does not explicitly teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;*
- *wherein the recognizing of speech includes an understanding of speech.*

Has teaches,



- recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network; (Has, col.2, line 10 – col.4, line 67)
- wherein the recognizing of speech includes an understanding of speech. (Has, col.2, line 10 – col.4, line 67)

Has discloses, *"a first device for inputting at least two speech signals designating the operating functions and/or the components of the household appliance; a second device, operatively connected to the first device, for recognizing the operating functions and/or the components designated by the speech signals; a third device, for converting the speech signals, after being recognized, into a given control command to operate the household appliance... and a central computer connected to the household appliance, at least one of the first, second, and third devices being assigned to the central computer, the first, second, and third devices being configured such that the speech signals, being input in a direct succession for selecting the operating functions and/or components of the household appliance"* (Has, col.2, line 67 – col.3, line 16). Hence, Has teaches of a speech recognizing component in the central computer used to control the household appliance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Has with the teachings of Dunn *"to provide a household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple, reliable, and rapid speech-controlled operation for the household appliance"* (Has, col.2, lines 10-14) *"by allowing for seamless and effective*

*integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

However, Dunn and Has do not explicitly teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;*

Vander Molen teaches,

- *recognizing speech and synthesizing speech to allow the speech-based conversation to occur over the Internet network and the public switched telephone network;* (Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

Vander Molen discloses, *"the basic components of the system comprise a speech recognition module 50, a speech synthesis module 52, a master control microcomputer 53 and the appliance control system 56"* (Vander Molen, col.4, lines 2-6). Hence, Vander Molen teaches of a system that includes a speech recognition module as well as a speech synthesis module.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Vander Molen with the teachings of Dunn and Has to provide a conversational voice command control system *"household appliance which overcomes the above-mentioned disadvantages of the heretofore-known appliances of this general type and which provides a simple,*

*reliable, and rapid speech-controlled operation for the household appliance*" (Has, col.2, lines 10-14) *"by allowing for seamless and effective integration of telephone services into cable networks and/or other broadband networks"* (Dunn, col.2, lines 11-13); through the use of a central computer that includes an adapter containing ports for connecting to the Internet through either the broadband network of the service provider or through the public switched telephone network (PSTN).

8. With regard to claims 2 and 28, Dunn, Has, and Vander Molen disclose,

- *wherein a user connects to the home-based computer via the broadband connection in order to provide at least one home appliance voice command, said home-based computer further comprising:*
  - *an appliance control software module that controls at least one home appliance based upon the user's voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

9. With regard to claims 3 and 29, Dunn, Has, and Vander Molen disclose,

- *wherein the user uses a wireless communication device to connect to the home-based computer in order to provide the home appliance voice command.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

10. With regard to claims 4-5, Dunn, Has, and Vander Molen disclose,

- *wherein a user connects to the home-based computer over the second connection port in order to provide at least one home appliance voice command, said home-based computer further comprising:*
  - *an appliance control software module that controls at least one home appliance based upon the user's voice command received over the second connection port. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)*
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the home appliance voice command over the second connection port. . (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)*

11. With regard to claims 12-16, Dunn, Has, and Vander Molen disclose,

- *wherein the computer operates within a residential home of a user. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)*
- *wherein the computer operates within SOHO environment. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)*
- *wherein the computer operates within a non-Internet Service Provider environment. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15,*

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lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

- *wherein the first connection port provides for voice data over a VoIP channel.*

(Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

- *wherein the first connection port provides for voice data over a VoN channel.*

(Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47)

12. Claims 6-11 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in view of Vander Molen (US004520576), and further in view of Kurganov et al. (US006721705B2).

13. With regard to claims 6 and 30, Dunn, Has, and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, Dunn, Has, and Vander Molen do not explicitly disclose,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software application voice command of the user.*

Kurganov teaches,

- *a personal software application retrieval module that retrieves personal information from a software application based upon the personal software*

*application voice command of the user. (Kurganov, col.2, lines 59-63; col.5, lines 48-53)*

Kurganov teaches of a system that includes a database containing user profile information to assist the system in searching and retrieving information according to the user's voice commands.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Kurganov with the teachings of Dunn, Has, and Vander Molen to enhance the system by including a database which contains user profile information to assist the system in searching and retrieving information according to the user's voice commands.

14. With regard to claims 7-8 and 31-32, Dunn, Has, Vander Molen, and Kurganov disclose,
- *wherein the user uses a wireless communication device to connect to the home-based computer in order to provide the personal software application voice command. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)*
  - *wherein the software application is software selected from the group consisting of personal information management software, financial software, electronic mail software, and combinations thereof. (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)*

15. With regard to claims 9-11, Dunn, Has, Vander Molen, and Kurganov disclose,

- *wherein a user connects to the home-based computer over the second connection port in order to provide at least one personal software application voice command, wherein the personal software application retrieval module controls at least one home appliance based upon the user's voice command received over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the user uses a plain telephone connected to the PSTN in order to provide the home appliance voice command over the second connection port.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)
- *wherein the software application is software selected from the group consisting of personal information management software, financial software, electronic mail software, and combinations thereof.* (Dunn, col.2, lines 16-27, lines 32-42; col.3, lines 53-56; col.15, lines 39-57; fig.2; Has, col.2, line 10 – col.4, line 67; Vander Molen, col.2, lines 15-68; col.3, line 14 – col.4, line 47; Kurganov, col.2, lines 59-63; col.5, lines 48-53)

16. Claims 17-26 and 33-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (US005999612A), in view of Has et al. (US006230137B1), further in view of Vander Molen (US004520576), and further in view of Ball et al. (US006600736B1).

17. With regard to claims 17-26 and 33-41, Dunn and Vander Molen disclose,

See *claims 1 and 27* rejection as detailed above.

However, *Dunn, Has, and Vander Molen do not explicitly disclose,*

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.*

Ball teaches,

- *a voice markup language management module connected to the Internet network in order to retrieve a voice markup language program to interact by a speech-based conversation with the user over the first and second connections.* (Ball, col.14, lines 43-44)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine Ball reference with Dunn and Vander Molen references to enhance the system by utilizing the voice markup language to format the information retrieved by the system at the user's voice command.

### ***Response to Arguments***

18. Applicant's arguments with respect to *claims 1-41* have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The

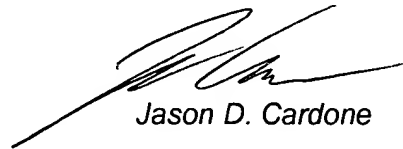


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examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are 571/273-8300 for regular communications and 571/273-8300 for After Final communications.

*Thomas Duong (AU2145)*

*August 19, 2006*

A handwritten signature in black ink, appearing to read 'J. Cardone', with a long horizontal stroke extending to the right.

*Jason D. Cardone*

*Supervisory PE (AU2145)*